

1 *Special Meeting/ Work Session*  
2 *Minutes for May 9, 2005*

3  
4 *A Special Meeting/Work Session of the Mayor and Council of the Borough of Leonia,*  
5 *Bergen County, New Jersey, was held this evening in the Borough Hall Annex,*  
6 *commencing at 7:35pm*  
7

8 Mayor Laurence Cherchi asked everyone to stand while Council President Ryan led in  
9 the Pledge of Allegiance.

10  
11 ***Council Present:*** *Mayor Laurence Cherchi, Councilwoman Dwarica,*  
12 *Councilwoman Heveran, Councilwoman Mitrani, Councilman*  
13 *Puzzo, Council President Ryan,*  
14

15 ***Council Absent:*** *Councilman LaBianco*  
16

17 ***Also Present:*** *Fran Lehmann, Borough Clerk, David Russo, Borough Attorney,*  
18 *Victoria Miragliotta, Borough Administrator*  
19

20 Mayor Laurence Cherchi called the meeting to order.

21  
22 **OPEN MEETING STATEMENT**  
23

24 Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin  
25 Board at Borough Hall and notices sent to the Official Newspaper.  
26

27 **PRESENTATION**  
28

29 Mayor Cherchi explained that he asked Mr. Higgins to come in with a list of about  
30 \$10,000 in estimated projects necessary to complete the Field House.  
31

32 **Bill Higgins** – The Leonia Sports Boosters President provided an update to the Mayor  
33 and Council regarding the Field House construction. There is a need for assistance from  
34 the town due to the fact that there will not be a carnival this year. The County has denied  
35 permission to hold the carnival in Overpeck Park.  
36

37 **Rick Pumo** – The General Contractor for the Field House construction highlighted the  
38 areas where assistance was needed.  
39

40 **APPROVAL OF MINUTES**

41 Closed Session April 11, 2005 held until next meeting.  
42

43 **April 18, 2005** – A motion was made by Councilwoman Dwarica seconded by  
44 Councilman Ryan  
45 Councilwoman Heveran Line 27 - Leonia Fire Department take the “d” off the word Fire.

46 Councilwoman Dwarica Line 104 –Joy Chang 134 Schor Avenue, add “asked for a No  
47 Parking Sign.” Mayor Cherchi same line Schor has one “o”.

48 Councilwoman Dwarica, line 109: there is a period after repairs then a capital “T”. Line  
49 99 -To Tell the Leonia Fire Department “what to buy and what equipment should be on  
50 the Truck.”

51 Line 207 “CFO Myrna Becker explained the budget.” Line 214- 4 passing votes  
52 required. Roll Call Vote: Councilpersons Dwarica Heveran, Mitrani, Ryan voted yes.  
53 Councilman Puzzo abstained. Councilman LaBianco was absent. Minutes approved.

54  
55 **Closed Session April 18, 2005** – A motion was made by Councilperson Dwarica  
56 seconded by Councilman Ryan. Roll Call Vote Councilpersons Dwarica, Heveran,  
57 Mitrani, Ryan, voted yes, Councilman Puzzo abstained. Minutes approved.

58  
59 **May 2, 2005** – Councilwoman Heveran: Line 116 remove the word “fore”. A motion was  
60 made by Councilwoman Dwarica seconded by Councilman Ryan. Roll Call Vote –  
61 Councilpersons Dwarica, Heveran, Mitrani, Ryan, voted yes. Councilman Puzzo  
62 abstained, Councilman LaBianco was absent. Minutes approved.

#### 63 64 **PUBLIC COMMENTS**

65  
66 **Gill Hawkins** – 123 Knapp Terrace Questioned comments made by Mayor Cherchi  
67 regarding a statement he made at the Meeting of May 2, 2005 that the Borough was going  
68 to run out of money, and when it is going to run out of money?

69  
70 Mayor Cherchi explained that in the Emergency Temporary Appropriation there are legal  
71 fees we are obliged to pay and unless that emergency appropriation passes we will not be  
72 able to pay them.

73 Borough Administrator explained, that it is an approved budget item it is not cash in a  
74 depository.

75 Mr. Hawkins said it was indicated that other things could not be paid. The Borough  
76 Administrator explained the Temporary Budget process. Mr. Hawkins questioned if there  
77 were any bills that would not be paid, and when is the funding going to run out? The  
78 Borough Administrator explained the position the Borough is in and the Budget process.

79  
80 No one else spoke.

#### 81 82 **RESOLUTIONS**

83 Mayor Cherchi pulled the introduction of the Municipal Budget for a separate vote  
84 (resolution 05-117)

85  
86 Borough Administrator pulled Resolutions 05124 and 125 for Closed Session.

87  
88 Resolutions 05- 117, 131, 132, 133 and 135 were pulled for a separate vote  
89 Mayor Cherchi questioned if there would be a problem with Mr. Dunn living in Bogota  
90 the Borough Attorney said no.

91 A motion was made to approve resolutions 05-133, 05-134, and 05-136 by  
92 Councilwoman Dwarica, seconded by Councilman Puzzo. Roll call vote: Councilpersons  
93 Dwarica, Heveran, Mitrani, Puzzo and Ryan voted yes. Councilman LaBianco was  
94 absent. Resolutions approved

95  
96 **Resolution 05-117** was introduced by Councilwoman Mitrani seconded by  
97 Councilwoman Dwarica. Roll Call Vote Councilpersons Dwarica, Mitrani and Ryan  
98 voted yes. Councilperson Heveran and Puzzo voted no. The Resolution required 4  
99 affirmative votes to be introduced motion failed, resolution not introduced.

100  
101 Mayor Cherchi stated that now we have a serious matter where the budget has not been  
102 introduced. Mayor Cherchi asked Councilman Ryan to call Mr. LaBianco on the phone  
103 and see if he would vote on the budget. Councilman Ryan was unable to reach  
104 Councilman LaBianco. Mayor Cherchi has stated that we have a situation here where one  
105 or another Councilperson has not been present for several weeks and we have not had a  
106 full membership to vote on the budget. Mayor Cherchi asked Borough Attorney Russo to  
107 go to Court to ask Judge Harris if a 3 to 2 vote is sufficient to introduce the budget. If not  
108 he would like Judge Harris to compel all Council members to attend a meeting to vote on  
109 the Budget.. Borough Attorney Russo stated that a majority of the full membership of the  
110 Governing Body and that 4 affirmative votes are needed. Mr. Russo explained what could  
111 be done.

112 Mayor Cherchi asked if the majority of the Council present would approve asking Judge  
113 Harris to approve the introduction of the Budget with a 3-2 vote. Mayor Cherchi asked if  
114 we could go to court and obtain a Declaratory Judgment or have everyone compelled to  
115 be here.

116  
117 Mayor Cherchi asked if the Council would approve Mr. Russo going to court to allow a  
118 3-2 judgment. Councilwoman Mitrani stated she would not vote for Mr. Russo to go to  
119 court.

120 Mr. Russo said he will try to get an informal opinion from Judge Harris.

121  
122 Mayor Cherchi stated that one or more of the Members of the Governing Body has been  
123 absent in the last four or five meetings. This has stopped us from passing the Temporary  
124 Emergency Budget and now the Municipal Budget.

125  
126 Borough Administrator stated that if there is an objection to certain line items or bills  
127 they can be removed. If there is something in this budget that can be worked on please let  
128 her know. The Borough Administrator stated that anything in the Temporary Emergency  
129 Appropriation can be removed. Councilman Ryan asked if a special meeting could be  
130 called for later in the week.

131  
132  
133 **Resolution 05-131-** A motion was made by Councilwoman Dwarica seconded by  
134 Councilman Ryan. On discussion Councilman Puzzo asked what the legal expenses  
135 were? Councilman Puzzo asked for further clarification as to what else was in the Legal  
136 Line. Mayor Cherchi stated \$16,660 to pay Peter Till,. Councilman Puzzo asked why

137 Mayor Cherchi was so concerned about paying Mr. Till? Borough Attorney stated this is  
138 part of the settlement. Mayor Cherchi would like to discuss this in closed. The Borough  
139 Administrator explained that there are other legal bills. If you do not want to pay that  
140 then take that out and approve the rest of the resolution. Councilman Puzzo state he  
141 would like to take the \$64,750 out of the Emergency Temporary Budget. Mayor Cherchi  
142 asked for a motion to remove that line from the Resolution. Councilman Puzzo made a  
143 motion to remove the Legal Fees for \$64,750 seconded by Councilwoman Mitrani. Roll  
144 Call Vote Councilpersons Dwarica, Heveran, Mitrani, Puzzo, Ryan voted yes, Motion  
145 Carried.

146  
147 Motion to pass Emergency Temporary Budget without the Legal Line made by  
148 Councilwoman Mitrani seconded by Councilman Puzzo. Roll call vote Councilpersons  
149 Dwarica, Heveran, Mitrani, Puzzo and Ryan voted yes Resolution 05-131 approved.

150  
151 **Resolution 05-132**- Councilman Ryan asked to have this Resolution held until the next  
152 meeting.

153 **Resolution 05-135**- there is a not to exceed of \$2,000 on the contract. A motion was  
154 made by Councilwoman Heveran seconded by Councilwoman Mitrani to approve as  
155 amended Resolution 05-135. Roll call vote: Councilperson Dwarica, Heveran, Mitrani,  
156 Puzzo, Ryan Resolution 05-135 approved.

### 157 158 **UNFINISHED BUSINESS**

159  
160 **Sidewalks** – Councilwoman Mitrani she is receiving many complaints regarding  
161 sidewalks in disrepair. Councilwoman Dwarica feels there is misunderstanding as to who  
162 is responsible for maintaining sidewalks. Before we institute another program we need  
163 clarification on the law we have. Mayor Cherchi asked Mr. Russo for an opinion. Mr.  
164 Russo stated that the homeowner is responsible for repairing sidewalks.  
165 A discussion followed regarding sidewalks.

166  
167 **Flag Lots** - Councilman Ryan explained why he had put this on the agenda. Mayor  
168 Cherchi reported what was discussed by the Planning Board. This was sent to Laws and  
169 Ordinances.

170  
171 **Cell Tower** – Borough Administrator addressed concerns of the Council.

### 172 173 **NEW BUSINESS**

174  
175 **Sump Pump Discharge** – Councilwoman Mitrani reported there is no Ordinance in the  
176 Borough Code Book regarding discharge of a sump pump onto public streets. Do we  
177 need an ordinance regarding sum pumps? Mayor Cherchi responded to Mrs. Mitrani's  
178 concerns.

### 179 180 **CORRESPONDENCE**

183  
184  
185 **COMMENTS FROM THE PUBLIC**  
186

187 **Robert Pacicco** – 530 Grandview Terrace, agrees with Councilman Ryan regarding flag  
188 lots. There is not a Budget crisis but a Budget impasse. This evening Councilman  
189 LaBianco has a family emergency. You also need to take responsibility you canceled  
190 two regularly scheduled meetings. Mayor Cherchi responded to Mr. Pacicco's comments.  
191

192 **Ingrid Brennan** - 53 Palmer Place Thanked Councilman Puzzo for putting forth a  
193 solution for a budget crisis. Last year I, stood here with great angst against the  
194 Indemnification Ordinance. I argued that my tax dollars should not be used for this. It is  
195 the Mayor's role to make it work and I have not seen it. Mayor Cherchi responded to Ms.  
196 Brennan's comments.  
197

198 **CLOSED SESSION (RESOLUTION L)**  
199

200 A motion was made to go into Closed Session to discuss CSX Litigation, Peacock  
201 Settlement and Tuition Reimbursement. A motion was made by Councilwoman Dwarica  
202 seconded by Councilman Puzzo. All in favor, none opposed.  
203

204 As there was no further business before the Governing Body, the meeting was adjourned  
205 at 10:05pm.  
206

207 Respectfully submitted,  
208  
209

210 Fran Lehmann  
211 Borough Clerk